

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

WESTERN SECTION
CIVIL ACTION
NO.: 04-30035-KPN

KEVIN BALENO and PATRICIA
SCUTARI,

Plaintiffs

v.

OFFICER CHARLES RICKO,
CHIEF EDWARD CHASE,
and the TOWN OF WENDELL,

Defendants

PLAINTIFFS' EMERGENCY MOTION TO ENLARGE THE TIME TO SERVE
DEFENDANT RICKO

The plaintiffs respectfully request the court to enlarge the time to serve notice to defendant Ricko until August 18, 2004, for the following reasons: Counsel for the plaintiffs did not learn until May 2004 that the Town of Wendell refused to accept the notion of the Complaint for defendant Ricko because he was no longer employed there. (See Carrithers' Affidavit, ¶ 2.) She was unable to affect service during May because she was preparing for a trial that began June 8, 2004, and ended June 14, 2004. (See Carrithers' Affidavit, ¶ 3.) In addition, she has been diagnosed with adult-onset diabetics which severely restricts the number of hours that she is able to work on any given day. (See Carrithers' Affidavit, ¶ 4.) Enlarging the time to serve notion to defendant Ricko will not prejudice him as he has been served with a 258 demand letter alerting him to the suit. Therefore, the plaintiffs respectfully request that the court allow their motion.

DATED: July 13, 2004

Respectfully Submitted
The Plaintiffs
By their attorney

Caroline Carrithers

CERTIFICATE OF SERVICE

This will certify that this document was served upon counsel for defendants Jonathan R. Silverstein, Kopelman & Paige, PC, 31 St. James Avenue, 7th. Floor, Boston, Massachusetts 02116, by first class mail on July 13, 2004.

Caroline Carrithers